



12-18-14

IFW

Express Mail No. EV452773925US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ciccone et al. Confirmation No.: 7100
Serial No.: 10/820,080 Art Unit: 3732
Filed: April 6, 2004 Examiner: To be assigned
For: ADJUSTABLE TOOL FOR Attorney Docket No.: 8932-931-999
CANNULATED FASTENERS

INFORMATION DISCLOSURE STATEMENT

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. ☐ A legible copy of:
 - ☒ Each foreign patent;
 - ☐ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☐ all other information or portion which caused it to be listed on the PTO-1449.
 - 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. ☒ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
 - 1e. ☒ In accordance with 1276 OG 55, since this application was filed after June 30, 2003, this Information Disclosure Statement is filed without copies of References, which are U.S. patent documents, U.S. patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003
2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- ☒ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☐ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
 - ☐ to be charged to Jones Day Deposit Account No. 50-3013.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Jones Day Deposit Account No. 50-3013

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not

received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

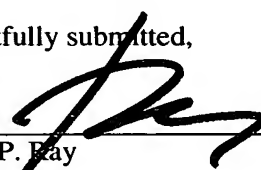
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check Item 8a, 8b, or 8c)

- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

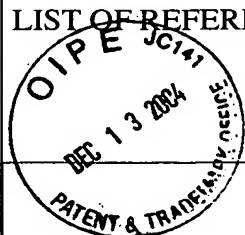
Date: December 13, 2004


Brent P. Day
JONES DAY
222 East 41st Street
New York, New York 10017

54,390
(Reg. No.)

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)



ATTY DOCKET NO.

8932-931-999

APPLICATION NO.

10/820,080

APPLICANT

Ciccone et al.

FILING DATE

April 6, 2004

GROUP

3732

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	2003/0125750 A1	07/03/2003	Zwirnmann et al.			
	A02	2003/0125749 A1	07/03/2003	Yuan et al.			
	A03	2003/0120277 A1	06/26/2003	Berger			
	A04	2003/0078585 A1	04/24/2003	Johnson et al.			
	A05	2003/0028193 A1	02/06/2003	Weil et al.			
	A06	2002/0183751 A1	12/05/2002	Justin et al.			
	A07	2002/0169453 A1	11/14/2002	Berger			
	A08	2002/0052628 A1	05/02/2002	Bowman			
	A09	2002/0013608 A1	01/31/2002	ElAttrache et al.			
	A10	2001/0037113 A1	11/01/2001	Justin			
	A11	2001/0027322 A1	10/04/2001	Bowman			
	A12	6,634,261 B1	10/21/2003	Griffin			
	A13	6,629,977 B1	10/07/2003	Wolf			
	A14	6,616,665 B2	09/09/2003	Grafton et al.			
	A15	6,557,727 B1	05/06/2003	Robertson			
	A16	6,554,852 B1	04/29/2003	Oberlander			
	A17	6,544,281 B2	04/08/2003	ElAttrache et al.			
	A18	6,527,777 B2	03/04/2003	Justin			
	A19	6,497,707 B1	12/24/2002	Bowman et al.			
	A20	6,468,277 B1	10/22/2002	Justin et al.			
	A21	6,447,517 B1	09/10/2002	Bowman			
	A22	6,436,110 B2	08/20/2002	Bowman et al.			
	A23	6,436,100 B1	08/20/2002	Berger			
	A24	6,423,073 B2	07/23/2002	Bowman			
	A25	6,402,766 B2	06/11/2002	Bowman et al.			
	A26	6,402,757 B1	06/11/2002	Moore, III et al.			
	A27	6,364,884 B1	04/02/2002	Bowman et al.			
	A28	6,328,746 B1	12/11/2001	Gambale			
	A29	6,306,140 B1	10/23/2001	Siddiqui			
	A30	6,283,973 B1	09/04/2001	Hubbard et al.			
	A31	6,273,890 B1	08/14/2001	Frazier			
	A32	6,179,840 B1	01/30/2001	Bowman			
	A33	6,165,203	12/26/2000	Krebs			
	A34	6,096,060	08/01/2000	Fitts et al.			
	A35	6,048,344	04/11/2000	Schenk			
	A36	6,030,162	02/29/2000	Huebner			

	A37	6,004,321	12/21/1999	Graser			
	A38	5,997,541	12/07/1999	Schenk			
	A39	5,968,046	10/19/1999	Castleman			
	A40	5,968,045	10/19/1999	Frazier			
	A41	5,904,685	05/18/1999	Walawalkar			
	A42	5,899,906	05/04/1999	Schenk			
	A43	5,833,415	11/10/1998	McSherry			
	A44	5,741,268	04/21/1998	Schütz			
	A45	5,735,854	04/07/1998	Caron et al.			
	A46	5,730,744	03/24/1998	Justin et al.			
	A47	5,695,497	12/09/1997	Stahelin			
	A48	5,645,547	07/08/1997	Coleman			
	A49	5,640,889	06/24/1997	Anderson			
	A50	5,601,562	02/11/1997	Wolf et al.			
	A51	5,590,574	01/07/1997	Lide			
	A52	5,569,252	10/29/1996	Justin et al.			
	A53	5,551,321	09/03/1996	Bottiglieri			
	A54	5,549,431	08/27/1996	Royle			
	A55	5,437,211	08/01/1995	Wolf			
	A56	5,403,137	04/04/1995	Grün et al.			
	A57	5,354,299	10/11/1994	Coleman			
	A58	5,334,204	08/02/1994	Clewett et al.			
	A59	5,308,203	05/03/1994	McSherry et al.			
	A60	5,249,489	10/05/1993	Weisman			
	A61	5,211,647	05/18/1993	Schmieding			
	A62	5,152,764	10/06/1992	Goble			
	A63	5,129,901	07/14/1992	Decoste			
	A64	5,098,435	03/24/1992	Stednitz et al.			
	A65	5,059,206	10/22/1991	Winters			
	A66	4,976,715	12/11/1990	Bays et al.			
	A67	4,950,270	08/21/1990	Bowman et al.			
	A68	4,927,421	05/22/1990	Goble et al.			
	A69	4,924,865	05/15/1990	Bays et al.			
	A70	4,895,148	01/23/1990	Bays et al.			
	A71	4,884,572	12/05/1989	Bays et al.			
	A72	4,878,794	11/07/1989	Potucek			
	A73	4,760,844	08/02/1988	Kyle			
	A74	4,589,178	05/20/1986	Staffeld			
	A75	4,537,185	08/27/1985	Stednitz			
	A76	4,507,817	04/02/1985	Staffeld			
	A77	4,320,544	03/23/1982	Bryant et al.			
	A78	4,244,246	01/13/1981	Gillett			
	A79	3,289,290	12/06/1966	Sandor			
	A80	3,063,316	11/13/1962	Salierno			
	A81	3,005,367	10/24/1961	Vose			

	A82	2,993,397	07/25/1961	Albertson et al.			
	A83	2,896,489	07/28/1959	Madsen			
	A84	2,895,360	07/21/1959	Madsen			
	A85	2,868,053	01/13/1959	Jorgensen et al.			
	A86	2,857,794	10/28/1958	Red, Jr.			
	A87	2,820,383	01/21/1958	Red, Jr.			
	A88	2,811,883	11/05/1957	Cleaves			
	A89	2,659,255	11/17/1953	Bates			
	A90	2,616,322	11/04/1952	Spreng			
	A91	2,611,289	09/23/1952	Frank			
	A92	2,605,666	08/05/1952	Jorgensen et al.			
	A93	2,575,525	11/20/1951	Mitchell			
	A94	2,506,835	05/09/1950	Johnson			
	A95	2,493,398	01/03/1950	Fricke			
	A96	2,366,448	01/02/1945	Greene et al.			
	A97	2,277,945	03/31/1942	Ashleman			
	A98	2,256,012	09/16/1941	Blair			
	A99	2,247,500	07/01/1941	Hutchison,. Jr.			
	A100	1,543,175	06/23/1925	McCarthy			
	A101	1,537,929	05/12/1925	Lee			
	A102	1,503,692	08/05/1924	McCarthy			
	A103	1,474,236	11/13/1923	Byrne			
	A104	868,436	10/15/1907	Hermant			
	A105	851,181	04/23/1907	McMurtry			
	A106	848,194	03/26/1907	McMurtry			
	A107	126,366	04/30/1872	Wills			
	A108	RE 34,871	03/07/1995	McGuire et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	DE 3434807 A1	12/19/1985	Germany			ABS	
	B02	EP 0 674880 A1	10/04/1995	Europe			ABS	
	B03	EP 0 674880 B1	12/11/1996	Europe			ABS	
	B04	JP 8071083 A	03/19/1996	Japan			ABS	
	B05	JP 5060119 A	03/09/1993	Japan			ABS	

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	C01	
	C02	
	C03	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.